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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,595	08/06/2001	Irena Slage		9500

7590 11/01/2006

Irena Slage
Firelogic, Inc.
1776 I Street, NW
Suite 900
Washington, DC 20006

EXAMINER

SALAD, ABDULLAHI ELM I

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 11/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,595

Applicant(s)

SLAGE ET AL.

Examiner

Salad E. Abdullahi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 4-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 and 4-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Response to Amendment

1. The amendment filed on 8/7/2006 has been received and made of record.
2. Applicant's argument with respect claims 2 and 4-27 have been fully considered but are moot in view of new grounds of rejection
3. Applicant's argument with respect claims 2 and 4-27 have been fully considered but are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 2 and 4-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Murphy U. S. Patent Application Publication No. 2001/0051882[hereinafter Murphy].

As per claim 2, Murphy discloses clinical trial data management server method comprising:

receiving, at server(matching system 10), a user profile (patient information 212 or 254) provided by a client(see fig. 2 and paragraph 0021-0022);

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based on said user profile, indicating to said client one or more matching clinical trials (col. 10, lines 49-63), receiving a clinical trial selection from said client (paragraph 0021-0022);

providing to said client a selected clinical trial module (assessment 320) indicated by said clinical trial selection and corresponding a selected one of said matching clinical trials (see paragraph 0024);

the modules being adapted to obtain clinical trial data including a respective data observation (see paragraph 0024);

receiving at said server said respective data observations(see paragraph 0024 and 0034);

storing said respective data observation in a database of data observations;

and in response to a report request(see paragraph 0024 and 0034);

retrieving selected ones of said data observations from said database in accordance with parameters in said report request to provide a plurality of retrieved observations and producing a report based on said plurality of retrieved observations(see paragraph 0024 and 0034).

As per claim 4-7, Murphy discloses substantial features of the claimed invention as discussed above with respect to claim 2, wherein said clinical trial data is provided to said server by a medical device (see fig. 3).

As per claim 8-13, Murphy discloses the clinical trial data management server method as set forth in claim 3 wherein:

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said server includes a data engine (see fig. 2 and 3 and paragraph 0021-0022);

said data engine comprises a health data management module (see fig. 2 and paragraph 0021-0022);and

a clinical trials management module(see fig. 3 and paragraph 0021-0024);

said health data management module comprises data analysis algorithms used by said data engine to analyze said clinical trial data(see fig.2 and col. 10, lines 49-63) and

said clinical trials management module: selects said one more matching clinical trials,

based on said user profile see fig. 3 and paragraph 0021-0024);

provides an approval of said clinical trial selection (see fig. 3 and paragraph 0021-0024);and provides said selected clinical trial module see fig. 3 and paragraph 0021-0024).

As per claims 14-27, the claims include features analogous to features in claims 2, and 3-13, thus claims 14-27 are rejected same rational as claims 2, and 3-13,

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300.**

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdullahi Salad
Primary Examiner
10/26/2006

ABDULLAH SALAD
PRIMARY EXAMINER